

The Ocean Conservancy • Natural Resources Defense Council • Friends of the Sea Otter •
California Coastkeeper Alliance • Defenders of Wildlife • Surfrider Foundation •
United Anglers of California • American Cetacean Society • San Luis Obispo Coastkeeper •
Heal the Bay • Pacific Coast Federation of Fishermen's Associations • San Diego Baykeeper

August 31, 2005

Arthur Baggett, Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: California Ocean Plan, Areas of Special Biological Significance (ASBS)
Waste Discharge Prohibition

Dear Chairman Baggett and Members of the Board:

The State Water Resources Control Board (SWRCB) is at a crossroads in its approach to managing California's Areas of Special Biological Significance (ASBSs). On the one hand, there are more than 1,650 illegal discharges into ASBSs, many of which are related to nonpoint source pollution and stormwater runoff.¹ Some of those responsible for these discharges are unwilling to commit the resources to doing what is necessary to eliminate their discharge, and are pushing for either relaxed enforcement of the Ocean Plan's waste discharge prohibition for ASBSs, or for a wholesale revision of the state's policy in dealing with these discharges.²

On the other hand, there are compelling reports from two national Oceans Commissions, an Ocean Action Strategy from California's Resources Agency and Environmental Protection Agency, and the initial reports and remarks from California's new Ocean Protection Council, all of which agree that the oceans and coasts are in serious trouble, and "major changes are urgently needed in the way we manage them."³ All three of these reports agree that coastal waters are becoming severely degraded by polluted runoff and nonpoint sources,⁴ and the USCOP report specifically calls for States to adopt enforceable policies to handle these pollution sources.⁵ Furthermore, the public is both concerned about the pollution of coastal waters, and prepared to

¹ Southern California Coastal Water Research Project, "Final Report: Discharges into State Water Quality Protection Areas" (July 2003).

² See, e.g., SWRCB, Final Functional Equivalent Document: Amendment of the Water Quality Control Plan, Ocean Waters of California (March 2005, amended April 2005) at 81 (Responses to Comments).

³ U.S. Commission on Ocean Policy, *An Ocean Blueprint for the 21st Century* - Final Report (2004) (USCOP Report) at p.4.

⁴ Pew Oceans Commission, *America's Living Oceans: Charting a Course for Sea Change* (May 2003) at 56, 60, USCOP Report at p.213

⁵ USCOP Report at p. 218.